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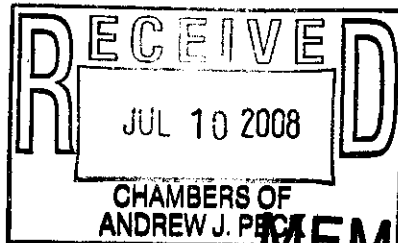
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- WASHINGTON, D.C.
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- NORTH DAKOTA
- MICHIGAN



July 10, 2008

MEMO ENDORSED

VIA FACSIMILE 212-805-7933

ATTN: Hon. Andrew J. Peck, U.S.M.J.

United States District Court

Southern District of New York

Room 1370

United States Courthouse

500 Pearl Street

New York, New York 10007

Re: Felicia Pickett-Johnson v. St. Barnabas Nursing Home

Docket No.: 08 Civ. 2188

Our File: EMP-16677-DHA

Dear Honorable Sir:

Enclosed please find a copy of my correspondence to Judge Marrero, dated July 2, 2008, and his Order of July 9, 2008, scheduling a status conference for July 25, 2008.

Should you have any questions, please contact me.

Respectfully yours,

David H. Allweiss
David H. Allweiss

DHA/tc
Encl.

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BY FAX

SO ORDERED
Hon. Andrew Jay Peck
United States Magistrate Judge
an Order (1/08)
Jep Marrero

Hon. Andrew J. Peck, U.S.M.J.

July 10, 2008

Page 2

cc: VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
AND FIRST-CLASS MAIL
Felicia Pickett-Johnson
1466 Beach Avenue
Apartment 1
Bronx, New York 10460
(Without Enclosures)

JUL-09-2008 12:51

JUDGE VICTOR MARRERO

212 805 6382

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JUL - 9 2008

July 2, 2008

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VIA FACSIMILE 212-805-6382

ATTN: Hon. Victor Marrero, U.S.D.J.

United States District Court

Southern District of New York

Suite 660

United States Courthouse

500 Pearl Street

New York, New York 10007

Re: Felicia Pickett-Johnson v. St. Barnabas Nursing Home

Docket No.: 08 Civ. 2188

Our File: EMP-16677-DHA

Dear Honorable Sir:

Our office represents St. Barnabas Nursing Home, one of the defendants in the instant action.

As Your Honor aware, counsel for co-defendant Ronald Granger has filed a motion to dismiss plaintiff's Complaint pursuant to Rule 12(b)(6), presently returnable July 18, 2008. Pursuant to Section II(A) of Your Honor's Individual Rules, we respectfully request a Pre-Motion Conference with respect to filing a motion or cross-motion on behalf of St. Barnabas Nursing Home for judgment on the pleadings pursuant to Rule 12(c).

Hon. Victor Marrero, U.S.D.J.
July 2, 2008
Page 2

The bases for the proposed motion/cross-motion are that:

(a) plaintiff failed to file the instant action under Title VII of the Civil Rights Act and the Americans With Disabilities Act within 90 days of receipt of the Right-To-Sue Letter from the Equal Employment Opportunity Commission;

(b) the allegations of plaintiff's Complaint are contradicted by the Right-To-Sue Letter;

(c) the allegations set forth in the Complaint do not entitle plaintiff to relief under Title VII;

(d) plaintiff did not exhaust all federal administrative remedies as to her claims under the Americans With Disabilities Act; and

(e) should the federal statutory causes of action be dismissed, this Court has no supplemental jurisdiction over plaintiff's remaining state law and city law causes of action.

We look forward to conferencing this issue before the Court. Should you have any questions, please contact me.

Respectfully yours,

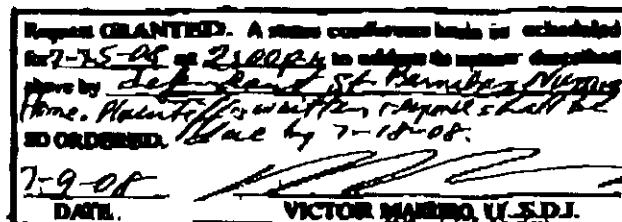


David H. Allweis

DHA:dm

cc: VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
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Felicia Pickett-Johnson
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VIA FACSIMILE
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(718) 624-7133



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FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
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Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: July 16, 2008

Total Number of Pages: 5

TO	FAX NUMBER
David A. Allweiss, Esq.	212-725-9630

TRANSCRIPTION:

MEMO ENDORSED 7/16/08

1. In light of the 7/25 conf. before Judge Marrero and the pending motion to dismiss, my 7/21 conf. is adjourned without new date. The parties are to advise of the results of the conf. before Judge Marrero.
2. The 9/30 discovery cutoff remains unchanged.

**Copies to: Felicia Pickett Johnson (Regular & Certified Mail)
Judge Victor Marrero**